

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11836-RCL

TRANS-SPEC TRUCK SERVICE, INC.)
d/b/a TRUCK SERVICE,)
Plaintiff)
vs.)
CATERPILLAR INC)
Defendant)

**LOCAL RULE 37.1 CERTIFICATE OF CONSULTATION REGARDING
MOTION OF PLAINTIFF, TRANS-SPEC TRUCK SERVICE, INC., d/b/a TRUCK
SERVICE, TO COMPEL ANSWERS TO ITS FIRST SET OF INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO
DEFENDANT CATERPILLAR INC.**

Pursuant to Local Rule 37.1 and Judge Lindsay's September 21, 2004 Order in the above-captioned matter, counsel for Plaintiff Trans-Spec Truck Service, Inc., d/b/a Truck Service ("Trans-Spec"), hereby certifies that he has conferred with counsel for Defendant Caterpillar Inc ("Caterpillar"), and attempted in good faith to resolve or narrow the issues presented in the *MOTION OF PLAINTIFF, TRANS-SPEC TRUCK SERVICE, INC., d/b/a TRUCK SERVICE, TO COMPEL ANSWERS TO ITS FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT CATERPILLAR INC.*

Trans-Spec's counsel attempted in vain to resolve this dispute by sending a facsimile and letter dated February 11, 2005, and by conferring with counsel for Caterpillar on the telephone on March 4, 2005. This March 4, 2005 conference started at 11:00 a.m. and took approximately twenty minutes, with Nancy M. Reimer and Christian G. Samito representing Trans-Spec and

Richard P. Campbell and Christopher R. Howe representing Caterpillar. The parties reached only a partial agreement as to the discovery dispute regarding Document Request Number 6 in that Caterpillar agrees to produce "policy" or "protocol" type documents that pertain to C-12 service; only a partial agreement as to the discovery dispute regarding Document Request Number 29 in that Caterpillar will provide documents pertaining to several visits by Trans-Spec officers and employees to Peoria, Illinois and Orlando, Florida; and, only a partial agreement as to the discovery dispute regarding Document Request Number 30 in that Caterpillar will provide documents pertaining to performance testing done on a Trans-Spec truck in the early 1990s. Trans-Spec and Caterpillar were unable to resolve the remainder of their discovery disputes, as more fully described in the accompanying Motion to Compel.

Respectfully submitted,

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE

By its Attorneys,



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Christian G. Samito, Esq., BBO#639825
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Boston, MA 02210
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Date: March 15, 2005

CERTIFICATE OF SERVICE

I, Christian G. Samito, hereby certify that on this 15th day of March, 2005, I served a copy of the foregoing, by mail, postage prepaid to:

Richard P. Campbell, Esq.
Christopher Howe, Esq.
Campbell Campbell Edwards & Conroy
One Constitution Plaza, 3rd Floor
Boston, MA 02129



Christian G. Samito, Esq.

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